IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

SUMMONS FOR JUDGMENT NO. 74 OF 2005
IN
SUM. SUIT NO.3715 OF 2004

Reuters India Pvt.Ltd. Plaintiffs
vs.
Coimbatore Stock Exchange Ltd. Defendants

Ms.Padmaja Dholakia with Ms.Vandana Gupte i/b.Dholakia Gupte & Co. for the plaintiffs.

Mr.M.S.Bhandari with Mr.Nalin M. Shah for the defendants.

CORAM : S.U. KAMDAR,J.

DATED : 24th October 2005

P.C.

The present suit is filed in respect of the internet services rendered by the plaintiff to the defendant. The claim raised is for the sum of Rs.3,69,662.59 for the period from November 2001 till 20th June 2002. The learned counsel for the plaintiff has tendered the break up which shows that from 1.10.2001 the amount is outstanding. It indicates that there is no part payment due and payable, save and except the additional security deposit adjustment of Rs.23,550/-. The learned counsel for the defendant has contended that the break up and the statement furnished is erroneous. He has drawn my attention to the letter dated 15.7.2004 in which as on 22.2.2002 the claim outstanding mentioned is of Rs.3,88,632.58. There is no explanation how an amount is differently shown in the letter dated 22.2.2002 and now filed in the present

Suit. The learned counsel for the plaintiff orally states that certain security deposits were lying which has been adjusted. Such oral explanation cannot be permitted. It obviously requires the account to be taken between the parties. Thus, the Summons for Judgement is dismissed. Unconditional leave to the defendants to defend the suit is granted.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection and discovery within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

(S.U. KAMDAR,J.)